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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/304,787	05/04/1999	CARL J. EVENS	COS-98-009	1151
25537	7590	01/29/2004	EXAMINER	
WORLDCOM, INC. TECHNOLOGY LAW DEPARTMENT 1133 19TH STREET NW WASHINGTON, DC 20036			SOBUTKA, PHILIP	
			ART UNIT	PAPER NUMBER
			2684	19
DATE MAILED: 01/29/2004				

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 19

Application Number: 09/304,787

Filing Date: May 04, 1999

Appellant(s): EVENS ET AL.

Phouphanomketh Dithavong
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 2, 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because the appellant has not provided reasons or arguments as to whey the claims do not stand or fall together..

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,208,717	Yeh et al	3-2001
6,060,997	Taubenheim et al	5-2000
5,870,030	DeLuca et al	2-1999
5,664,948	Dimitriadis et al	9-1997
5,594,945	Lewis et al	1-1997

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1,4,5,7,13,14,16-22,28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taubenheim et al (US 6,060,997) in view of Fascenda (US 5,241,305).

Consider claims 1,5, 13,18. Taubenheim teaches a method for targeted marketing in a paging system, note that it is inherent in a paging system to generate unique identification numbers for subscribers allowing messages to be targeted to select subscribers using the identification number. Taubenheim's method comprises: creating advertising scripts (see especially col 4, lines 32-45), and appending the advertisement scripts to page messages (see especially fig 6) for paging service subscriber having unique identification numbers (see especially col 2, line 53 – col 3, line 8). Taubenheim lacks a teaching of the unique identification numbers being capcodes, but does suggest that capcodes could be used in coding (Taubenheim see especially col 9, lines 9-12). Fascenda teaches that it is well known that each pager has an individual id called a capcode, and the each message intended for a particular

pager has that pager's capcode associated with the message (Fascenda col 1, lines 15-25). It would have been obvious to one of ordinary skill in the art to modify Taubenheim to associate the capcode with the messages as taught by Fascenda in order to utilize a proven messaging technique.

As to claims 4,7, note that Taubenheim teaches the ad being transmitted after the message (see especially fig 6).

As to claim 14,19,20, note that since each subscriber has a unique identifier, each capcode would correspond to the individual service.

As to claims 16,17,21,22 note that if an individual were sent several marketing pages, they would require a plurality of capcodes, one for each message.

As to claim 28, note that the coding of the ad into the frame would of course set forth a date and time for its broadcast.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taubenheim in view of Fascenda and in view of Lewis et al (US 5,594,945).

Taubenheim in view of Fascenda teaches everything claimed except for the subscriber information including the capcode being stored in a central database. Lewis teaches subscriber information being correlated with a capcode stored in a central database in order to transmit messages (Lewis see especially col 7, lines 1-15). It would have been obvious to one of ordinary skill in the art to modify Taubenheim in view of Fascenda to store correlation of subscriber identity with capcodes as taught by Lewis in order to transmit messages to the subscriber.

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taubenheim in view of Fascenda and in view of DeLuca et al (US 5,870,030).

Taubenheim in view of Fascenda teaches everything claimed except for the ads being transmitted prior to the messages. DeLuca teaches transmitting ads prior to a message in order to ensure that the subscriber views the ad rather than viewing the message and ignoring the ad (DeLuca col 1, lines 35-38). It would have been obvious to one of ordinary skill in the art to modify Taubenheim in view of Fascenda to transmit the ads prior to a message in order to ensure that the subscriber views the ad as taught by DeLuca.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taubenheim in view of Yeh et al (US 6,208,717).

Taubenheim teaches everything claimed except for the capcodes corresponding to residential, small or large business service types. Yeh et al teaches differentiating a messaging service on the basis of residential, small and large business types (Yeh, see especially col 10, lines 6-14). It would have been obvious to one of ordinary skill in the art to modify Taubenheim in view of Fascenda to use a plurality of service types including residential, small and large business, as taught by Yeh, in order to allow for each customer category to have their needs more specifically met. Note that since the capcodes would be required for each delivery, of course the capcodes would correspond.

Claims 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taubenheim et al in view of Fascenda and in view of Dimitriades et al (US 5,664,948).

Taubenheim in view of Fascenda teach everything claimed as shown above except for the advertisement being replayed as a voice signal. Dimitriades teaches replaying advertisement pages as voice signals (Dimitriades see especially col 2, line 62 – col 3, line 9). It would have been obvious to one of ordinary skill in the art to modify Taubenheim in view of Fascenda to replay the ads as voice signals in order to eliminate the need for the user to read them, thereby increasing the likelihood that the user would take in the ad.

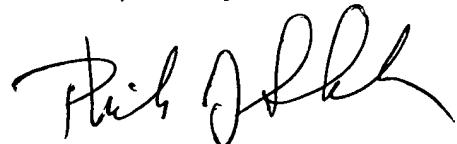
(11) Response to Argument

Appellant argues that that the cited art does not teach generating a capcode associated with an advertisement script, yet applicant does not, indeed cannot, argue that Tuabenheim does not teach transmitting advertisement scripts to pagers, as shown in column 4, lines 32-45, nor is it argued that the ads are not sent using capcodes. As the appellant acknowledges, the capcode is a standard feature of paging systems and is used to identify the paging subscribers, as noted in appellants own specification as for example on page 6, lines 17-28, and page 7, lines 26-30. Therefore of course in order to send the advertisements, or any message for that matter, the system must generate a capcode corresponding to a subscriber, then associate it and actually attach the code to the message to be sent.

Note that the appellant has not argued any claims other than claim 1.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

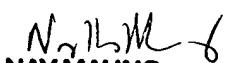


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January 16, 2004

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